

EXHIBIT H

AFFIDAVIT OF THOMAS TOOLAN



**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD C. SMITH,
Plaintiff

vs.

PRIMECARE MEDICAL, INC.,
CARL A. HOFFMAN, JR., D.O.,
THERESA M. HOFFMAN,
JOSHUA D. LOCK,
MARCY HOFFMAN-SCHLEGEL,
FRANK KOMYKOSKI, and
KNIGHTS OF VON DUKE, LTD.,
Defendants

: **No. 1:08-cv-1397**
: **Civil Action – Law**
:
:
: **Chief Judge Kane**
:
: **Jury Trial Demanded**
:
:
:

AFFIDAVIT OF THOMAS TOOLAN

I, Thomas Toolan, do hereby swear that the following is true and correct to the best of my knowledge, information and belief:

1. I have served as the Health Services Administrator at the Dauphin County Prison for PrimeCare Medical since June 2001. I provide the day-to-day supervision of the PrimeCare Medical employees at the Dauphin County Prison. I am responsible for ensuring that PrimeCare Medical provides the requisite number of staff and hours of service pursuant to the contract with Dauphin County.

2. Dr. Martin provides psychiatric services to the inmates and detainees at Dauphin County Prison.

3. In my experience, Dr. Martin usually spoke with Rick Smith regarding any issue concerning his work at the Dauphin County Prison.

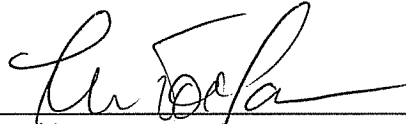
4. Dr. Martin spent about twelve (12) hours per week on average taking calls from nurses and psychologists that I supervise at the Dauphin County Prison.

5. Warden DeRose of the Dauphin County Prison has never complained to me about Dr. Martin's time or services.

6. Warden DeRose has never asked me to make sure that Dr. Martin provides additional hours of service for the inmates and detainees at Dauphin County Prison.

7. Staffing vacancies, including the nurse supervisor position, were discussed at monthly staff meetings with Warden DeRose and other officials at Dauphin County Prison. Staffing vacancies were also discussed at quarterly meetings between Warden DeRose, Dauphin County Prison officials, and PrimeCare Medical management.

8. I kept Warden DeRose and other Dauphin County Prison officials fully aware of any staffing vacancies. Any staffing vacancies were either filled by myself or other PrimeCare personnel from other facilities.

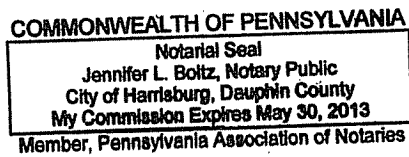


Thomas Toolan

Sworn to and subscribed
before me this 27th day
of August, 2009.


Notary Public

My Commission Expires: _____



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